

Regular Meeting

Agenda Item #	4
Meeting Date	January 12, 2004
Prepared By	Kenneth Sigman
Approved By	

Discussion Item	Amendment of Chapter 5, Ethics
Background	The Council enacted Chapter 5 in November 2003, and the City sent the new law to the State Ethics Commission for approval as required by state law. The State Ethics Commission will review the City's Ordinance on January 22, 2004. The Commission staff recommended that the City make two changes to the Ordinance before the Commission reviews the Ordinance.
Policy	<p>The General Counsel from the State Ethics Commission reviewed the City's law in advance of the Commission's consideration of the law. He suggested that the City make two changes based on changes in the Maryland Code.</p> <p>The first is simply a change in a statutory reference based on a reorganization of the State Code. The second relates to gifts of tickets or free admission to sporting, charitable, cultural, or political events. The State Code prohibits all state employees and officials from accepting gifts of tickets or admission to sporting events and allows only <u>elected officials</u> to accept gifts of tickets or admission to other events.</p> <p>The model local ethics ordinance drafted by the State Ethics Commission continues to include language authorizing elected officials and employees to accept gifts of tickets and admission to sporting, political, and cultural events. However, the Court of Appeals recently considered a challenge to a local ethics ordinance provision that mirrored the model ordinance and held that the local provision did not comply with the requirement of the State Code that all local provisions be similar to the State Ethics Law. The Executive Director of the State Ethics Commission indicated that, as a result of the Court's decision, the Commission is requiring greater similarity to the State Code than the provisions set forth in the Commission's model ordinance.</p> <p>The additions to the Chapter 5 are <u>underlined</u>. The deletions are in strikeout.</p>
Fiscal Impact	
Attachments	Proposed ordinance.
Recommendation	Complete first reading.
Special Consideration	

Introduced by:

Drafted by:
Kenneth Sigman
Assistant City Attorney

First Reading:
Second Reading:
Effective Date:

ORDINANCE No. 2004-__

**(Revision of the Ethics Chapter in accordance with the Suggestions of the
General Counsel of the State Ethics Commission)**

WHEREAS, the City revised its law regarding public ethics, effective November 30, 2003;
and

WHEREAS, Sections 15-803 through 15-806 of the State Government Article of the
Annotated Code of Maryland require that the City's ethics law be similar to the ethics law of the
State of Maryland; and

WHEREAS, the City is required to submit its ethics law to the State Ethics Commission for
approval; and

WHEREAS, the State Ethics Commission shall consider the City's ethics law on January
22, 2004; and

WHEREAS, the General Counsel for the Ethics Commission has recommended the
following changes to ensure that the City's ethics law is similar to the ethics law of the State of
Maryland;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND**, that Chapter 5, Ethics, of the Takoma Park Code is amended
as follows:

TAKOMA PARK CODE

CHAPTER 5. ETHICS

§5-103 Definitions.

In this Chapter, the following words have the meanings indicated:

* * *

(h) *Gift* means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Md. Code Ann., **Elec. Art., § 13-225 et seq.** ~~Article 33, § 26-1 et seq.~~, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

§5-106 Prohibited conduct and interests.

* * *

(e) Solicitation or acceptance of gifts.

* * *

(3) *Permissible gifts.* Subsection (e)(2) does not apply to gifts meeting the criteria set forth in this paragraphs A through H of this subsection, unless any such gift might tend to impair the impartiality and the independence of judgment of any reasonable and prudent covered person receiving it, or, if of significant value, would give the appearance of doing so or a reasonable and prudent covered person should have reason to believe that it is designed to do so. Permissible gifts, which are subject to the gift reporting requirements of Section 5-107(a), include the following:

* * *

(E) Gifts of tickets or free admission extended by the sponsor of the event to **an elected official** ~~a covered person and one guest~~ to attend a ~~sporting event~~ or charitable, cultural or political event, if the purpose of this gift or admission is a courtesy extended to the office.

Adopted this _____ day of January 2004, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain:

EXPLANATORY NOTE

1. Additions to Chapter 5 are shown by underlining.
2. Deletions from Chapter 5 are shown by ~~strikeout~~.